

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARY WALTER, on behalf of herself and all others similarly situated,	)	
	)	
Plaintiff,	)	Civil Action No. 2:16-cv-00523-CRE
	)	
v.	)	Magistrate Judge Cynthia Reed Eddy
	)	
BABCOCK LUMBER, INC., a	)	
Pennsylvania Corporation, CARL	)	
BORNTRAEGER, individually,	)	
COURTNEY BORNTRAEGER,	)	
individually, and R. JEFFREY KIMBALL,	)	
individually,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants, through their undersigned counsel, hereby move to dismiss the Complaint filed by Plaintiff Mary Walter, on behalf of herself and all others similarly situated, for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), as set-forth in Defendant's Memorandum of Law, which is incorporated herein by reference.

Dated: May 13, 2013

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

/s/ Peter J. Ennis

Peter J. Ennis (Pa. I.D. No. 45754)

David J. Strauss (Pa. I.D. 316912)

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*Attorneys for Defendants*